

# TOWN OF GAINES

## Organizational and Regular Meeting – January 13, 2020

The Organizational Meeting (required by Section 62 and 123 of the NYS Town Law) and regular meeting of the Town of Gaines, County of Orleans, State of New York was called to order by Supervisor Joseph Grube at 7:00 P.M. on the 13<sup>th</sup> day of January, 2020.

The following town officials were present:

Joseph Grube	Supervisor
James Kirby	Councilperson
Ronald Mannella	Councilperson
Mary Neilans	Councilperson
Tyler Allport	Councilperson
Susan Heard	Town Clerk
Mark Radzinski	Highway Superintendent

The following individuals were present during the meeting: Eight (8) Town residents; Orleans County Legislator John DeFilippis

The Supervisor opened the meeting with the Pledge to the Flag, followed by a moment of silent reflection.

### ORGANIZATIONAL MEETING

#### RESOLUTION NO. 1 – 0120 PROFESSIONAL SERVICES APPOINTMENTS FOR 2020

Moved by Councilperson Allport and seconded by Councilperson Kirby to appoint Douglas M. Heath, Esq. as Attorney for the Town of Gaines.

Ayes 5; Nays 0

Moved by Councilperson Mannella and seconded by Councilperson Allport to designate MRB Group as provider of engineering services for the Town.

Ayes 5; Nays 0

**RESOLUTION NO. 2 – 0120**

**REQUIRED EXAMINATION OF THE RECORDS OF THE JUSTICE COURT, TOWN CLERK AND TAX COLLECTOR**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to perform the required examination of the records of the Justice Court, Town Clerk and Tax Collector at 6:00 P. M. on February 10, 2020 and make a report of their findings at the regular meeting of the town board.

Ayes 5; Nays 0

**RESOLUTION NO. 3 – 0120**

**APPROVAL OF PAYMENTS IN ADVANCE OF AUDIT**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to approve payment of claims in advance of audit for items in accordance with Section 118(2) of the Town Law.

Discussion: The Clerk mentioned tax bills, utilities and things of that nature.

Ayes 5; Nays 0

**RESOLUTION NO. 4 – 0120**

**SETTING HOLIDAYS FOR THE TOWN HALL**

Moved by Councilperson Allport and seconded by Councilperson Kirby to set the holidays for the Town Hall for the year 2020 to matched published Federal holidays, plus Election Day, the Day after Thanksgiving, and Christmas Eve. (<https://opm.gov/policy-data-oversight/pay-leave/federal-holidays/#url=2020>)

Ayes 5; Nays 0

**APPOINTMENTS BY THE TOWN SUPERVISOR**

Deputy Supervisor	James Kirby
Budget Officer	N/A (Note Section 103(2) of the Town Law requires the Supervisor shall be Budget Officer unless the supervisor Appoints another individual to fulfill the role)
Historian	Adrienne E. Kirby
Bookkeeper	Timothy Hungerford

**COMMITTEE APPOINTMENTS**

Highway	-	Mr. Mannella, Mr. Kirby
Water	-	Mr. Mannella, Mr. Allport
Finance & Budget	-	Dr. Neilans, Mr. Allport
Zoning	-	Mr. Allport, Mr. Kirby
Audit	-	Entire Board with a minimum of three (3) Board members Approving all abstracts

(Note: Appointments by the Town Supervisor are required to be made part of the record)

**RESOLUTION NO. 5 – 0120  
BOARD APPOINTMENTS**

Moved by Councilperson Neilans and seconded by Councilperson Kirby to fill the following positions as indicated:

Fair Housing Officer	Susan Heard
Registrar of Vital Statistics	Susan Heard
Court Clerk	Maureen Kline
Water Superintendent	Mark Radzinski
Deputy Highway Supt.	Seth Dumrese
Deputy Water Supt.	Seth Dumrese

Ayes 5; Nays 0

**RESOLUTION NO. 6 - 0120  
APPOINTMENTS TO ZONING BOARD OF APPEALS**

Moved by Councilperson Kirby and seconded by Councilperson Allport to appoint Corey Black to the Zoning Board of Appeals for a term to commence immediately and expire on December 31, 2024.

Discussion: Curt Strickland sent a letter asking not to be reappointed to a five-year term.

Ayes 5; Nays 0

**RESOLUTION NO. 7 – 0120  
APPOINTMENT OF CHAIR AND VICE CHAIR FOR ZONING BOARD OF APPEALS**

Moved by Councilperson Kirby and seconded by Councilperson Allport to appoint Gerard Morrisey as Chair and Corey Black as Vice Chair of the Zoning Board of Appeals for 2020.

Discussion: Marilyn Miller did not want to serve as Vice Chair. Jim Navarra works out of the County now, and he is finding it hard to attend meetings, but will remain on the board at this time.

Ayes 5; Nays 0

**RESOLUTION NO. 8 – 0120**  
**APPOINTMENTS TO THE PLANNING BOARD**

Moved by Councilperson Mannella and seconded by Councilperson Kirby to appoint the members to the new formed Planning Board for the Town of Gaines, for a term to commence as follows:

Carole Patterson	Term expiring December 31, 2020
Christopher Watt	Term expiring December 31, 2021
Al Capurso	Term expiring December 31, 2022
Brenda Radzinski	Term expiring December 31, 2023
Justin Kirby	Term expiring December 31, 2024

Ayes 4; Nay 1, Allport

**RESOLUTION NO. 9 – 0120**  
**SETTING SALARIES, WAGE RATES AND ALLOWANCES FOR VARIOUS POSITIONS**

Moved by Councilperson Allport and seconded by Councilperson Mannella to set the salaries and wages for appointed positions as follows:

Registrar of Vital Statistics	\$975
1 <sup>st</sup> Deputy Town Clerk	\$15.29 per hour
Deputy Town Clerk	\$13.80 per hour
Water Billing Clerk	\$13.80 per hour
Zoning Board of Appeals Secretary	\$13.80 per hour
Court Clerk	\$16.29 per hour
Water Superintendent	\$7,500
Seasonal Highway Employees	\$19.66 per hour with paid holiday when Scheduled over 30 hours in a work week
Election Inspectors	\$13.80 per hour

Ayes 5; Nays 0

**RESOLUTION NO. 10 – 0120**  
**SETTING NON-WAGE REIMBURSEMENTS AND ALLOWANCES**

Moved by Councilperson Allport and seconded by Councilperson Mannella to set the non-wage allowances and rates as follows:

Clothing Allowance	\$500 for Highway Superintendent
Cell Phone Allowance	\$500 for Highway Superintendent and Town Justice
Mileage for Town Business	Tied to IRS Mileage Rate, which is currently \$.575 per mile for 2020

Ayes 5; Nays 0

**RESOLUTION NO. 11 – 0120  
DESIGNATING THE OFFICIAL NEWSPAPER**

Moved by Councilperson Neilans and seconded by Councilperson Allport to designate the official newspaper as the Batavia Daily News.

Ayes 5; Nays 0

**RESOLUTION NO. 12 – 0120  
DESIGNATING THE FINANCIAL INSTITUTIONS**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to designate the financial institutions, as follows:

Official Depository	Five-Star Bank
Official Investment Depositories	Five-Star Bank, M & T and Key Bank

Ayes 4; Nays 0; Abstain 1, Allport

**RESOLUTION NO. 13 – 0120  
SETTING THE TIMES AND LOCATIONS OF MEETINGS FOR THE TOWN BOARD**

Moved by Councilperson Neilans and seconded by Councilperson Allport to set the monthly meeting of the Gaines Town Board to the second Monday of each month at 7:00 P. M. at the Gaines Town Hall, with the exception of October and November meetings, which will be held on October 5, 2020 and Thursday, November 5, 2020, respectively, due to required budget presentations and public hearings. A second year-end meeting will be held in December on December 30, 2020 at 7:00 P. M. (Note: November meeting and additional October meeting are scheduled/moved for a NY State law required Budget meetings).

Ayes 5; Nays 0

This concludes the Organizational portion of the meeting; the Regular Board meeting follows:

**RESOLUTION NO. 14 – 0120  
APPROVAL OF MINUTES OF YEAR-END DECEMBER 30<sup>TH</sup> MEETING**

Moved by Councilperson Neilans and seconded by Councilperson Allport to approve the minutes of the December 30<sup>th</sup> meeting.

Ayes 5; Nays 0

**RESOLUTION NO. 15 – 0120**

**PRESENTATION AND ACCEPTANCE OF TOWN CLERK'S REPORT**

The Town Clerk reported December revenues paid to the Town Supervisor of \$252.83; NYS Ag & Markets of \$35.00 and \$14.17 for NYS Environmental Conservation. Noted the receipt of the Gaines Historian's Annual Report for 2019; Letter from the Dept. of State Local Law #2 of 2019 Revised Zoning Ordinance has been filed as of December 19, 2019; Letter received from Gerard Morrissey regarding consolidating Election Districts; Invitation to the Orleans County Association of Municipalities meeting.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to accept the monthly report of the Town Clerk.

5 Ayes; 0 Nays

**RESOLUTION NO. 16 – 0120**

**PRESENTATION AND ACCEPTANCE OF THE SUPERVISOR'S REPORT**

Supervisor Grube presented the Supervisor's Report on a PowerPoint presentation showing all funds through December 2019. The numbers are subject to change after final expenditures and revenues are recorded.

Moved by Councilperson Mannella and seconded by Councilperson Allport to accept the monthly report of the Town Supervisor.

Ayes 5; Nays 0

**RESOLUTION NO. 17 – 0120**

**PRESENTATION AND ACCEPTANCE OF THE HIGHWAY SUPERINTENDENT'S REPORT**

The Highway Superintendent reported the fuel usage for the month of December; 236 Gallons of Gas; 888 Gallons of Diesel. Had his first water leak as Deputy Highway Superintendent during December and the use of the new Village truck allowed for a training of all personnel with the new truck.

Moved by Councilperson Neilans and seconded by Councilperson Kirby to accept the report of the Highway Superintendent.

Ayes 5; Nays 0

**RESOLUTION NO. 18 – 0120**  
**APPROVAL OF ABSTRACTS**

Moved by Councilperson Kirby and seconded by Councilperson Neilans to approve the abstracts, as follows:

General	\$26,524.60
Highway	\$ 614.11
Water	\$ 885.82

Ayes 5; Nays 0

**RESOLUTION NO. 19 – 0120**  
**DEFERRING SICK TIME PAYOUT FOR HIGHWAY SUPERINTENDENT**

Moved by Councilperson Mannella and seconded by Councilperson Allport to approve deferral of the payout of 1,130 accrued sick time hours for Mark Radzinski until such time as he retires from service from the Town of Gaines. Said sick time to be paid at retirement at an hourly rate equal to the highway superintendent salary in effect at the time, divided by 2080 hours (standard civil service work year) to determine the effective hourly rate.

Ayes 5; Nays 0

Motion to move into Executive Session for the purpose of a personnel matter at 7:25 P.M. by Councilperson Allport and seconded by Councilperson Kirby. Ayes 5; Nays 0

Motion to leave Executive Session at 7:55 P. M. and return to the Regular Meeting by Councilperson Allport and seconded by Councilperson Kirby. Ayes 4; Nays 0; Abstain 1, Mannella

**RESOLUTION NO. 20 – 0120**  
**AUTHORIZING PAYMENT IN ACCORDANCE WITH RESOLUTION NO. 22-09**

WHEREAS, Resolution No. 22-09 dated April 14, 2009 established a Retirement Benefit Policy for full time elected officials of the Town of Gaines elected or appointed prior to January 1, 2008, authorizing either the continuance of health insurance coverage or receiving a cash payment in lieu of health insurance coverage for up to five (5) years, based on years of service.

In accordance with Resolution No. 22-09 of 2009, the Board authorizes payment due to Ronald Mannella in the sum of \$10,400 for Health Insurance benefit in retirement, each year for five (5) years, upon agreement with Mr. Mannella in full satisfaction of the amount due. Attorney Heath will memorialize this agreement. Payment will be made by February 28<sup>th</sup> each year.

Discussion: The full health insurance premium in 2019 would have been \$15,636. However, Mr. Mannella has verbally agreed to take a reduced amount.

Motion by Councilperson Allport and seconded by Councilperson Kirby to authorize the payment to Mr. Mannella.

Ayes 4; Nays 0; Abstain, 1, Mannella

**ADJOURNMENT**

Moved by Councilperson Neilans and seconded by Councilperson Allport to adjourn the meeting at 7:58 P. M.

Ayes 5; Nays 0

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